

REMARKS

I. Introduction

Claims 1-4, 6-9, 11-14, and 27-29 are pending in this application. Claims 1-4, 7-9, and 11-14 have been amended, and claims 27-29 are new. Support for the claim amendments is found in the original specification at pages 9-13, at page 19, lines 10-15, and elsewhere throughout the specification, drawings and original claims.

The amendments should be entered as they do not add any new matter or any new issues requiring further consideration and/or search. Particularly, the amendments to claims 1 and 8 were previously presented as generally recited in claims 4 and 11, respectively. Further, the recitations of new claims 27-29 were also previously presented as generally recited in claims 8, 11, and 12.

The claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,666,215 to Fredlund et al. (hereinafter “Fredlund”) in view of U.S. Patent No. 5,924,870 to Brosh et al. (hereinafter “Brosh”). The applicants respectfully traverse the allegations and respond as follows. Withdrawal of the rejection and reconsideration is respectfully requested.

II. Rejection of Claims 1 and 8 under §103(a)

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.

The foregoing amended claims 1 and 8 and new claim 27 are substantially similar in scope to claims 1, 12, and 18, respectively, of U.S. Patent No. 7,079,706 that was previously issued to the present applicant. Brosh was considered during prosecution of U.S. Patent No. 7,079,706, but was not found to anticipate or render obvious the issued claims. By the foregoing amendment, applicant modifies claims 1 and 8, and introduces new claim 27 to recite an Internet-deployed embodiment of the inventions recited in the previously-issued patent. To the extent that the present claims are a further limitation of the previously-allowed claims, for this reason alone, the present claims are allowable over Brosh. As Fredlund does

not disclose any lenticular-related matter, the rejections of claims 1, 8, and 27, and all claims depending therefrom, should be withdrawn.

Brosh describes a lenticular image produced by interlacing a number of images to produce a composite image and printing the image on the back of a lenticular lens or placing the lens over the printed image. Specifically, Brosh slices each of the number of images into a number of strips. The strips corresponding to the images are then arranged in an alternating manner to create the composite image, and then printed. Brosh also discloses employing a mask to cover a portion of the images while interleaving the remaining portions of each image. Importantly, the width of the mask is dependent on the number of images a user wishes to combine. As described, a mask used to combine three images will cover two-thirds of each image, with an offset on each image that is the width of one mask strip.

The presently pending claims generally recite an Internet-deployed method and software program that generates a lenticular image having a layered foreground, interior, and background image. In contrast to Brosh, the amended claims recite combining the composite images by deleting portions of a background composite image dependant on an interior image, and by deleting portions of the interior composite image dependant on a composite foreground image.

Neither Fredlund nor Brosh teaches or suggests creating a lenticular image by:

deleting a portion of the composite background image, the portion of the composite background image deleted being dependant on the composite interior image; [and]

deleting a portion of the composite interior image, the portion of the composite interior image deleted being dependant on the composite foreground image...

as generally recited in claims 1, 8, and 27. Rather, Brosh merely describes producing a lenticular image by slicing or masking multiple images and interleaving the strips or remaining portions of the images based on the number of images a user combines. As described by Brosh, combining multiple images by omitting or masking portions of the images based merely on the number of images to be combined produces a composite image that evenly combines many images into a single lenticular image. However, combining composite images as generally recited in claims 1, 8, and 27, produces a layered image

having a foreground, interior, and background lenticular image that is not disclosed by Brosh. As Fredlund does not disclose any lenticular-related matter, the rejections of claims 1, 8, and 27, and all claims depending therefrom, should be withdrawn.

At least for the reasons presented above regarding claims 1, 8, and 27, Applicant respectfully submits that all of the pending claims are allowable over Fredlund in view Brosh.

CONCLUSION

In light of the preceding remarks, withdrawal of the § 103(a) rejections relying on the disclosure of Fredlund in view of Brosh is requested. Applicants, therefore, believe that the present application including all pending claims is in condition for allowance. Fees for the new claims 27-29 are submitted with this response. If any other fees are due, authorization is given to charge deposit account 13-2855. A duplicate copy of this paper is enclosed.

Dated: August 13, 2007

Respectfully submitted,

By Richard H. Anderson

Richard H. Anderson

Registration No.: 26,526

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant